

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:23-CR-380
	)	
SONNY SAGGAR, M.D., and	)	
RENITA BARRINGER,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION  
REGARDING THE FILING OF PRETRIAL MOTIONS**

Though Defendants were indicted on July 26, 2023 and arrested and arraigned the next day, the Government recently informed defense counsel that discovery will likely not be completed until the end of December, 2023. In other words, Dr. Saggar and Ms. Barringer are being asked to patiently wait a half a year while being saddled with all the constraints of being on bond with no more than a finding of probable cause. Their ability to proceed to trial and prove their innocence is being greatly delayed.

The current deadline for the filing of pretrial motions is October 26, 2023. *See* Doc. 44. However, Defendants have already filed two significant motions: a motion to strike, Doc. 47, and a motion to dismiss for lack of court jurisdiction, Doc. 49. Because this Court's original scheduling order included a provision that the "Government shall have until November 9, 2023," *see* Doc. 44, no responses to these pending motions have been filed.

When the Government notified defense counsel of the late December 2023 date for full production of discovery materials, it also included a proposed joint motion "to extend the time to file pretrial motions until January 31, 2024." Defense counsel immediately noted to the

Government that Defendants had two pending motions, including the motion to dismiss regarding lack of jurisdiction which if granted would establish that the Indictment was a legal nullity. Defense counsel inquired whether the Government would agree to file a response to the motion to dismiss “forthwith” so that we could bring the matter before the Court and Defendants would not have to wait until late January 2024 just to start the process of obtaining a ruling as to whether the Indictment might in fact be a nullity. Following multiple inquiries from defense counsel, the Government has refused to answer the question whether it would agree to allow the motion to dismiss to proceed while the discovery was still on going.

Defendants submit it is patently unfair that there is pending a legal argument that the indictment is in fact a nullity while they are being saddled with all the constraints of being on bond, and delay in addressing the issue is being caused by the Government’s extraordinary delay in making full discovery production.

For obvious reasons, Defendants should not be required to submit all potential pretrial motions before they have ever been provided the full discovery in this matter. On the other hand, for just as obvious reasons, Defendants should not have to wait seven months to even have the Government’s response to the claim that the indictment is a nullity. (Particularly since Defendants would be entitled to file a Reply – which would take the matter to almost the end of February – and then the Court would need time to assess and analyze the issue before issuing a ruling).

Therefore, in order to avoid having to live with the many burdens of bond conditions for what very well might be a full year before having the potential nullity of the indictment addressed, Defendants seek the following;

1. An order setting January 31, 2024 as the deadline for filing pretrial motions; and

2. An order setting a deadline of November 3, 2023 for the Government to file its response to Doc. 49, and a deadline of November 10, 2023 for Defendants to file any reply related to Doc. 49.

Dated: October 19, 2023

Respectfully submitted,

**DOWD BENNETT LLP**

By: /s/ James G. Martin  
James G. Martin #33586 MO  
James B. Martin #70219 MO  
7676 Forsyth Blvd., Suite 1900  
St. Louis, MO 63105  
314/889-7300 (Telephone)  
314/863-2111 (Facsimile)  
[jmartin@dowdbennett.com](mailto:jmartin@dowdbennett.com)

*Attorneys for Defendant Sonny Saggar, M.D.*

/s/ William J. Ekiss  
William J. Ekiss (#47389)  
5770 Mexico Rd., Ste A  
St. Peters, MO 63376  
Email: [billekiss@lampinlaw.com](mailto:billekiss@lampinlaw.com)

*Attorney for Defendant Renita Barringer*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 19, 2023, a copy of the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system on all counsel of record.

/s/James G. Martin